



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

May 24, 1999

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Benjamin L. Ginsberg, Esq.
Patton Boggs, L.L.P.
2550 M Street NW
Washington, D.C. 20037-1350

RE: MUR 4357 (Bob Barr for Congress '94)
MUR 4802 (Bob Barr - Congress)

Dear Mr. Ginsberg:

On May 18, 1999, the Federal Election Commission accepted the signed joint conciliation agreement submitted on behalf of your clients, Bob Barr for Congress '94 and Bob Barr - Congress. The agreement is in settlement of violations of 2 U.S.C. § 441a(f), 2 U.S.C. § 434(b)(3)(A), 2 U.S.C. §§ 434(b)(2) and 434(b)(4) and 11 C.F.R. § 110.4(c)(2) by Bob Barr for Congress '94, and in settlement of violations of 2 U.S.C. § 441a(f), 2 U.S.C. § 434(b)(3)(A) and 2 U.S.C. § 434(a)(6) by Bob Barr - Congress. The statutory provisions refer to provisions of the Federal Election Campaign Act, as amended (the "Act"). The regulatory provision refers to a regulation promulgated pursuant to the Act. Accordingly, the files have been closed in these matters.

The confidentiality provisions at 2 U.S.C. § 437g(a)(12) no longer apply and these matters are now public. In addition, although the complete files must be placed on the public record within 30 days, this could occur at any time following certification of the Commission's vote. If you wish to submit any factual or legal materials to appear on the public record, please do so as soon as possible. While the files may be placed on the public record before receiving your additional materials, any permissible submissions will be added to the public record upon receipt.

Information derived in connection with any conciliation attempt will not become public without the written consent of the respondents and the Commission. See 2 U.S.C. § 437g(a)(4)(B). The enclosed joint conciliation agreement, however, will become a part of the public record.

Benjamin L. Ginsberg
MURs 4357 and 4802
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Enclosed you will find a copy of the fully executed joint conciliation agreement for your files. Please note that the civil penalty of \$12,055 to be paid by Bob Barr for Congress '94 and the civil penalty of \$16,000 to be paid by Bob Barr - Congress are due within 30 days of the joint conciliation agreement's effective date. If you have any questions, please contact me at (202) 694-1650.

Sincerely,

Delbert K. Rigsby

Delbert K. Rigsby
Attorney

Enclosure
Joint Conciliation Agreement

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)	
)	MUR 4357
Bob Barr for Congress '94 and)	
Charles C. Black, as treasurer)	
 In the Matter of)	
)	
Bob Barr - Congress and)	MUR 4802
Charles C. Black, as treasurer)	

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FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL
APR 21 3 46 PM '99

JOINT CONCILIATION AGREEMENT

These matters were initiated by the Federal Election Commission ("Commission"), pursuant to information ascertained in the normal course of carrying out its supervisory responsibilities. In MUR 4357, the Commission found probable cause to believe that Bob Barr for Congress '94 and Charles C. Black, as treasurer, violated 2 U.S.C. §§ 441a(f), 434(b)(3)(A), 434(b)(2), 434(b)(4) and 11 C.F.R. § 110.4(c)(2). In MUR 4802, the Commission found reason to believe that Bob Barr - Congress and Charles C. Black, as treasurer, violated 2 U.S.C. §§ 441a(f), 434(b)(3)(A), and 434(a)(6). Bob Barr for Congress '94, Bob Barr - Congress, and Charles C. Black, treasurer for both committees, are collectively referred to as Respondents.

NOW, THEREFORE, the Commission and the Respondents, having duly entered into conciliation pursuant to 2 U.S.C. § 437g(a)(4)(A)(i), do hereby agree as follows:

I. The Commission has jurisdiction over the Respondents and the subject matter of this proceeding.

II. Respondents have had a reasonable opportunity to demonstrate that no action should be taken in these matters.

III. Respondents enter voluntarily into this agreement with the Commission.

IV. The pertinent facts in MUR 4357 are as follows:

1. Bob Barr for Congress '94 is a political committee within the meaning of 2 U.S.C. § 431(4).

2. Charles C. Black is the treasurer of Bob Barr for Congress '94.

3. The Federal Election Campaign Act of 1971, as amended (the "Act"), provides that no person may make contributions to a candidate and his or her committees which, in the aggregate, exceed \$1,000 per federal election. 2 U.S.C. § 441a(a)(1)(A).

4. No candidate or political committee shall knowingly accept any contribution which exceeds the contribution limitations of 2 U.S.C. § 441a. 2 U.S.C. § 441a(f).

5. Contributions not designated in writing for a particular election are considered designated for the candidate's next election for federal office. 11 C.F.R. § 110.1(b)(2)(ii).

6. A joint contribution must include the signatures of each contributor on the check or in a separate writing. 11 C.F.R. § 110.1(k)(1).

7. If a contribution on its face or in the aggregate exceeds the contribution limitations, the committee must either return the contribution to the contributor or deposit the contribution in a designated campaign depository and obtain a written redesignation or reattribution from the contributor within 60 days. 11 C.F.R. §§ 103.3(b)(3) and 110.3(b)(4).

8. If no written redesignation or reattribution is obtained within 60 days, the committee must refund the contribution. 11 C.F.R. §§ 110.1(b)(5)(ii) and 110.1(k)(3)(i).

9. Committees must report the identity of each person who makes a contribution or contributions which exceed \$200, along with the date and amount of the contribution. 2 U.S.C. § 434(b)(3)(A).

10. No person may make cash contributions to any candidate for federal office which exceed \$100 in the aggregate. 2 U.S.C. § 441g; 11 C.F.R. § 110.4(c)(1).

11. A candidate or political committee receiving a cash contribution in excess of \$100 shall promptly return the amount over \$100 to the contributor. 11 C.F.R. § 110.4(c)(2).

V. Bob Barr for Congress '94 and Charles C. Black, as treasurer, violated 2 U.S.C. § 441a(f) by accepting 62 excessive contributions totaling \$40,804.

VI. Bob Barr for Congress '94 and Charles C. Black, as treasurer, violated 2 U.S.C. § 434(b)(3)(A) by failing to itemize 14 contributions totaling \$18,100.

VII. Bob Barr for Congress '94 and Charles C. Black, as treasurer, violated 11 C.F.R. § 110.4(c)(2) by failing to promptly refund excessive contributions of currency totaling \$1,705.

VIII. Bob Barr for Congress '94 and Charles C. Black, as treasurer, violated 2 U.S.C. §§ 434(b)(2) and 434(b)(4) by understating their 1993 receipts by \$4,439 and understating their 1993 disbursements by \$3,549. They filed amended reports containing the same, erroneous total reported receipts and disbursements for 1993.

IX. Bob Barr for Congress '94 and Charles C. Black, as treasurer, violated 2 U.S.C. § 434(b)(3)(A) by failing to disclose information on the occupation and name of employer of individual contributors who made contributions aggregating \$200 or more in a calendar year on contributions totaling \$45,683.

X. Bob Barr for Congress '94 and Charles C. Black, as treasurer, will pay a civil penalty to the Federal Election Commission in the amount of \$12,055, pursuant to 2 U.S.C. § 437g(a)(5)(A). Some of the violations for accepting excessive contributions, failing to itemize contributions, failing to disclose information on the occupation and name of employer of contributors, and the understatement of receipts and disbursements on the 1993 Year End Report by Bob Barr for Congress '94 and Charles C. Black, as treasurer, are not subject to a civil penalty pursuant to 28 U.S.C. § 2462 (the five-year statute of limitations for enforcement actions).

XI. The pertinent facts in MUR 4802 are as follows:

1. Bob Barr - Congress is a political committee within the meaning of 2 U.S.C. § 431(4).
2. Charles C. Black is the treasurer of Bob Barr - Congress.
3. The Federal Election Campaign Act of 1971, as amended (the "Act"), provides that no person may make contributions to a candidate and his or her committees which, in the aggregate, exceed \$1,000 per federal election. 2 U.S.C. § 441a(a)(1)(A).
4. No candidate or political committee shall knowingly accept any contribution which exceeds the contribution limitations of 2 U.S.C. § 441a. 2 U.S.C. § 441a(f).
5. Contributions not designated in writing for a particular election are considered designated for the candidate's next election for federal office. 11 C.F.R. § 110.1(b)(2)(ii).
6. A joint contribution must include the signatures of each contributor on the check or in a separate writing. 11 C.F.R. § 110.1(k)(1).
7. If a contribution on its face or in the aggregate exceeds the contribution limitations, the committee must either return the contribution to the contributor or deposit the contribution in a designated campaign depository and obtain a written redesignation or reattribution from the contributor within 60 days. 11 C.F.R. §§ 103.3(b)(3) and 110.3(b)(4).
8. If no written redesignation or reattribution is obtained within 60 days, the committee must refund the contribution. 11 C.F.R. §§ 110.1(b)(5)(ii) and 110.1(k)(3)(i).
9. Committees must report the identity of each person who makes a contribution or contributions which exceed \$200, along with the date and amount of the contribution. 2 U.S.C. § 434(b)(3)(A).

10. The principal campaign committee of a candidate shall notify the Secretary or the Commission, and the Secretary of State, as appropriate, in writing, of any contribution of \$1,000 or more received by any authorized committee of such candidate after the 20th day, but more than 48 hours before, any election. 2 U.S.C. § 434(a)(6).

XII. Bob Barr - Congress and Charles C. Black, as treasurer, violated 2 U.S.C. § 441a(f) by accepting 92 excessive contributions totaling \$52,971.

XIII. Bob Barr - Congress and Charles C. Black, as treasurer, violated 2 U.S.C. § 434(b)(3)(a) by failing to itemize 12 contributions totaling \$7,945.

XIV. Bob Barr - Congress and Charles C. Black, as treasurer, violated 2 U.S.C. § 434(a)(6) by failing to file 48-hour notices on 19 contributions to the primary election totaling \$29,804, and on 18 contributions to the general election totaling \$20,000.

XV. Bob Barr - Congress and Charles C. Black, as treasurer, will pay a civil penalty to the Federal Election Commission in the amount of \$16,000, pursuant to 2 U.S.C. § 437g(a)(5)(A).

XVI. Respondents will take the following steps:

1. Implement accounting procedures that are designed to identify and detect reporting errors and substantive problems such as excessive contributions.
2. Require appropriate personnel responsible for complying with the Act and the Commission's regulations to attend a Commission-sponsored training program or similar program.
3. Prepare an internal training manual to assist appropriate personnel in understanding laws and regulations concerning federal elections.

XVII. The Commission, on request of anyone filing a complaint under 2 U.S.C. § 437g(a)(1) concerning the matters at issue herein or on its own motion, may review compliance with this agreement. If the Commission believes that this agreement or any requirement thereof has been violated, it may institute a civil action for relief in the United States District Court for the District of Columbia.

XVIII. This agreement shall become effective as of the date that all parties hereto have executed same and the Commission has approved the entire agreement.

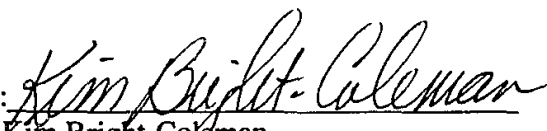
XIX. Respondents shall have no more than 30 days from the date this agreement becomes effective to comply with and implement the requirements contained in this agreement and to so notify the Commission.

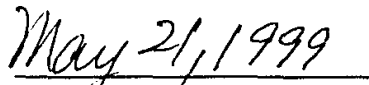
XX. This Conciliation Agreement constitutes the entire agreement among the parties on the matters raised herein, and no other statement, promise or agreement, either written or oral, made by any party or by agents of any party, that is not contained in this written agreement shall be enforceable.

FOR THE COMMISSION

Lawrence M. Noble
General Counsel

BY:


Kim Bright-Coleman
Associate General Counsel


Date

FOR THE RESPONDENTS

Bryan L. Hinkle
(NAME)
(POSITION) (counsel)

April 21, 1999
Date

(NAME)
(POSITION)

Date

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